R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

RE: THE ALLOWABLE SUBJECT MATTER

The Examiner's indication of the allowability of the subject matter of claim 3 is respectfully acknowledged.

Claim 3 has been amended to be rewritten in independent form to include all of the limitations of its parent claim 1 and intervening claim 2.

Claim 3 has also been amended to make some minor grammatical improvements to put claim 3 in better form for issuance in a U.S. patent.

No new matter has been added, and no new issues with respect to patentability have been raised.

Accordingly, it is respectfully requested that the amendments to claim 3 be approved and entered, and it is respectfully submitted that amended independent claim 3 is now in condition for immediate allowance.

RE: CLAIMS 1-2 and NEW CLAIMS 4-6

Claim 1 has been amended to clarify that the control means sets a rotation speed of the plurality of rotary shafts in accordance with the read out control condition, as supported by the disclosure in the specification at, for example, pages 13-18.

In addition, claims 1 and 2 have been amended to make some minor grammatical improvements and/or to correct some minor antecedent basis problems so as to put them in better form for issuance in a U.S. patent.

Still further, new independent claim 4 has been prepared based on original claim 1 and to clarify the feature of the present invention whereby the control means controls the rotary shafts to alternate rotation between a normal rotation direction and a reverse rotation direction, and for setting a length of time that the rotary shafts rotate in the normal rotation direction and a length of time that the rotary shafts rotate in the reverse rotation direction in accordance with the read out control condition, as supported by the disclosure in the specification at, for example, pages 13-18.

And new claims 5 and 6 depending from claim 4 have been added based on claims 2 and 3.

No new matter has been added, and it is respectfully requested that the amendments to claims 1-3 and the addition of claims 4-6 be approved and entered.

RE: THE PRIOR ART REJECTION

Claims 1 and 2 were rejected under 35 USC 103 as being obvious in view of USP 5,050,807 ("Bäckström et al"). This rejection, however, are respectfully traversed with respect to the claims as set forth hereinabove.

As recognized by the Examiner, Bäckström et al discloses a crusher that is operable in a mode for cutting/crushing wood and in a mode for shocklike crushing of peat. According to Bäckström et al, the crusher switches between the two modes by changing the direction of rotation of the rotating element 7.

It is respectfully submitted, however, that Bäckström et al does not disclose, teach or suggest setting a rotation speed of a plurality of rotary shafts (on which cutters are mounted) in accordance with a read out control condition corresponding to a selected mode, as according to the present invention as recited in amended independent claim 1. And it is respectfully submitted that Bäckström et al also does not disclose, teach or suggest controlling the rotary shafts to alternate rotation between a normal rotation direction and a reverse rotation direction, and for setting a length of time that the rotary shafts rotate in the normal rotation direction and a length of time that the rotary shafts rotate in the reverse rotation direction in accordance with the read out control condition, as according to the present invention as recited in new independent claim 4.

More specifically, according to Bäckström et al material that is preliminarily crushed by preliminary crusher rolls 8 and 9 is fed to a rotating element 7. The rotating element moves the material to either a first cutter element set 5 or a second cutter element set 6, which are provided on opposite walls of the housing 1 with the rotating element 7 provided therebetween. According to Bäckström et al, moreover, the first cutter element set 5 is intended for crushing wooden materials by "cutting crushing" (also referred to as "CC" by Bäckström et al), while the second cutter element set 6 is inetnded for crushing peat by "shocklike crushing" (also referred to as "SC" by Bäckström et al).

With this structure, according to Bäckström et al, when a material to be crushed requires "cutting crushing," the rotating element 7 is moved in the counter-clockwise (CC) direction in Fig. 1 of Bäckström et al, to deliver the material to the first cutter element set 5. On the other hand, if the material requires "shocklike crushing" then the rotating element is moved in the clockwise (SC) direction in Fig. 1 of Bäckström et al to deliver the material to the second cutter element set 6.

Thus, according to Bäckström et al, different modes for crushing different materials are defined by the direction of rotation of the rotating element 7 and by the cutter element set corresponding to the rotation direction of the rotating

element 7, and according to Bäckström et al the rotating element 7 rotates only in one direction (the CC or SC direction) for each mode.

It is respectfully submitted that Bäckström et al does not disclose modes in which the speed of the rotating element 7 is set in accordance with a mode (corresponding to a material to be crushed). And it is respectfully submitted that Bäckström et al does not disclose performing a crushing operation for any given material by alternating the rotating direction of the rotating element 7 and by setting a length of time that the rotary shafts rotate in a normal rotation direction and a length of time that the rotary shafts rotate in a reverse rotation direction.

Accordingly, it is respectfully submitted that Bäckström et al clearly does not disclose, teach or suggest the features of the present invention as recited in amended independent claim 1 and new independent claim 4.

In view of the foregoing, it is respectfully submitted that amended independent claim 1 and new independent claim 4, and amended claims 2 and new claims 5-6 respectively depending therefrom, all clearly patentably distinguish over Bäckström et al under 35 USC 102 as well as under 35 USC 103, along with allowable claim 3.

RE: INFORMATION DISCLOSURE STATEMENT

Further to the Information Disclosure Statement filed August 9, 2006, submitted herewith is an English translation of the German Office Action issued in the German counterpart application of related application Serial No. 10/805,617.

Since an English translation of said German Office Action is provided, this satisfies the requirements for a concise explanation of relevance for any non-English publications cited therein (MPEP 609 III A(3)).

It is respectfully requested that the Examiner consider the references filed with the IDS of August 9, 2006, and make them of record.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

/Douglas Holtz/

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